

Magistrate Judge Vaughan

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

JESUS GUADALUPE SANCHEZ,

Defendant.

CASE NO. MJ21-641

COMPLAINT for VIOLATION

Title 18, U.S.C. Section 922(g)

BEFORE S. Kate Vaughan, United States Magistrate Judge, United States  
Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

**COUNT 1**

**(Unlawful Possession of a Firearm)**

On or about November 9, 2020, in Skagit County, Washington, within the Western  
District of Washington, JESUS GUADALUPE SANCHEZ, knowing he had been convicted  
of the following crimes punishable by a term of imprisonment exceeding one year:

- i. *Unlawful Possession of a Firearm*, in United States District  
Court for the Western District of Washington, under case number  
CR16-027 JLR, on or about January 9, 2017;

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- 1           ii.     *Second Degree Assault*, in Skagit County Superior Court, under case
- 2                     number 12-1-00125-1, on or about June 5, 2014;
- 3           iii.     *Unlawful Firearm Possession*, in Skagit County Superior Court, under
- 4                     case number 12-1-00125-1, on or about June 5, 2014;
- 5           iv.     *Third Degree Assault*, in Skagit County Superior Court, under case
- 6                     number 12-1-00125-1, on or about June 5, 2014;
- 7           v.     *Third Degree Assault*, in Skagit County Superior Court, under case
- 8                     number 12-1-00125-1, on or about June 5, 2014; and
- 9           vi.     *First Degree Robbery*, in Snohomish County Superior Court, under case
- 10                    number 01-1-02307-6, on or about January 10, 2002;

11 did knowingly possess, in and affecting interstate and foreign commerce, a firearm, that is: a  
 12 black Smith & Wesson Airweight .38 Special revolver, that had been shipped and  
 13 transported in interstate and foreign commerce.

14 All in violation of Title 18, United States Code, Section 922(g)(1).

15 The undersigned complainant being duly sworn further states:

### 16                     **COMPLAINANT'S BACKGROUND**

17           1.     I, Terry A. Getsch, am a Special Agent (SA) of the Federal Bureau of  
 18 Investigation (FBI). I am assigned to the Bellingham, Washington FBI Office, and I have  
 19 been employed by the FBI as a Special Agent since July 2018. I am currently assigned to  
 20 conduct federal criminal investigations in support of the FBI Seattle Safe Streets Task Force  
 21 (SSSTF) and FBI Northwest Washington Safe Trails Task Force (NWSTTF). I was  
 22 previously employed from 2014 to 2018 as a municipal Police Officer and Detective in the  
 23 state of Georgia, and I have completed the Indian Country Basic Investigator Training  
 24 Program held by the Bureau of Indian Affairs. In my time as a law enforcement officer, I  
 25 have participated in numerous criminal investigations involving but not limited to assaults,  
 26 shootings, thefts, drug crimes, drug trafficking crimes and offences related to the unlawful  
 27 use and possession of firearms and ammunition.

28 ///

2. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of cooperating witnesses, review of documents and records related to this investigation, communication with others who have personal knowledge of events and circumstances described herein, and information gained through my training and experience. Because this affidavit is made for the limited purpose of establishing probable cause for an arrest warrant, it does not set forth each and every fact that I have learned during the course of this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that SANCHEZ has committed the listed criminal offence.

3. This complaint and affidavit are being presented electronically pursuant to Local Criminal Rule CrR 41(d)(d).

### **SUMMAR OF PROBABLE CAUSE**

4. SANCHEZ was convicted on January 9, 2017, of being a Prohibited Person in Possession of a Firearm, in violation of 18 U.S.C. § 922(g), and sentenced to 38 months' imprisonment and a three-year period of supervised release. Supervision commenced on July 3, 2019. Prior to the 2017 conviction, SANCHEZ sustained several other convictions for which he was sentenced to terms of imprisonment of more than a year. On November 9, 2020, Officers with the Swinomish Police Department ("SPD") stopped SANCHEZ for driving with a non-functioning headlight, in violation of Swinomish Traffic Code, and found a firearm underneath SANCHEZ's backpack in the back of his car.

### **PROBABLE CAUSE**

*Swinomish Police Stop SANCHEZ, Find a Stolen Smith & Wesson .38 Revolver*

5. On November 9, 2020, Officers Devan Lord and Brian Geer of the Swinomish Police Department conducted a traffic stop in Skagit County along eastbound SR 20 near Mile Post 52 and encountered SANCHEZ driving with a non-functioning front headlight in violation of Swinomish Traffic Code. SANCHEZ appeared very nervous and did not have any required documentation but provided his name to the officers. The officers

1 noticed one earbud-style headphone in SANCHEZ's ear and SANCHEZ told the officers that  
2 he was on the phone with his girlfriend. The officers confirmed SANCHEZ's identity using  
3 a Washington State Department of Licensing database and determined that SANCHEZ had  
4 been driving with a suspended/revoked license and that SANCHEZ was a convicted felon.  
5 Officers temporarily detained SANCHEZ in the back seat of one of the officer's vehicle. A  
6 few minutes later another vehicle arrived with the occupant claiming to be SANCHEZ's  
7 girlfriend. She asked the officers a few questions and stated that SANCHEZ was going  
8 through a rough time using drugs. She admitted that she had been inside SANCHEZ's  
9 vehicle just minutes prior to the traffic stop.

10 6. Shortly thereafter K9 Officer Zachary Wright of the Mount Vernon Police  
11 Department and his K9 partner conducted an open-air sniff of the vehicle. Officer Wright  
12 advised that the K9 had alerted to the odor of narcotics, and the vehicle was impounded at  
13 the SPD impound lot. At that time SANCHEZ was released and departed with his girlfriend.

14 7. On November 10, 2020, SPD obtained and executed a search warrant on the  
15 vehicle. During the search the officers found a plastic bag containing 6.47 grams of  
16 suspected methamphetamine underneath the front seat, a wallet in the middle console  
17 containing SANCHEZ's Washington State identification and \$194 cash, and a backpack on  
18 the passenger rear floor. The backpack contained an earbud-style headphone matching the  
19 one used by SANCHEZ at the time of the traffic stop and a glass pipe with a heavy amount  
20 of suspected methamphetamine residue. When the officers moved the backpack, they saw a  
21 black handgun on the passenger rear floorboard. The officers immediately sealed the vehicle  
22 and closed the impound garage while they amended the search warrant to include the  
23 firearm. Upon approval from the on-call judge, the officers resumed their search and  
24 identified the handgun as a black Smith & Wesson Airweight .38 Special revolver handgun  
25 ("the revolver") with serial number BRU5796 and found that it was loaded with five rounds  
26 of .38 Caliber +P ammunition ("the ammunition"). The revolver and ammunition were  
27 seized and entered into the SPD evidence lockers. A database check on the revolver  
28 identified it as stolen out of Montana.

*SANCHEZ Flees to Mexico*

8. Following the traffic stop, SANCHEZ's Federal Probation Officer obtained a Federal Probation Violation Warrant for SANCHEZ. Skagit County and the United States Marshals Service attempted to locate and arrest SANCHEZ, but their attempts were unsuccessful. Investigators received a tip that SANCHEZ had fled the United States to Mexico in an effort to abscond from any criminal charges arising from the traffic stop. The FBI worked with Mexican authorities to locate SANCHEZ, who was deported from Mexico back to the United States and detained pending a hearing on allegations that he violated the terms of his supervised release.

*Laboratory Analysis Indicates Strong Likelihood that SANCHEZ's DNA Contributed to DNA Found on the Revolver*

9. On November 16, 2020, the ammunition and the revolver were transferred from SPD custody and entered into FBI evidence in Seattle, Washington. On or about November 17, 2020, the revolver and the ammunition were sent to the FBI Laboratory for Deoxyribose Nucleic Acid ("DNA") analysis and latent print examination. Because SANCHEZ had fled the country and the FBI did not possess a DNA sample from SANCHEZ to compare with any DNA found on the revolver, no comparison analysis was conducted.

10. On or about January 20, 2021, the FBI Latent Print Operations Unit completed the latent print examination of the revolver, but they were unable to identify any latent prints suitable for comparison on the firearm.

11. On or around July 22, 2021, SANCHEZ appeared in this District for an initial appearance regarding allegations of violations of supervised release. On August 10, 2021, the FBI sought and obtained a search warrant in this District for comparative DNA from SANCHEZ, case no. MJ21-459 MAT.

12. On August 19, 2021, the Seattle FBI executed the search warrant for SANCHEZ's DNA and obtained comparative DNA samples that were submitted to the FBI Laboratory for comparison to any DNA found on the revolver.

14. On November 18, 2020, Bureau of Alcohol Tobacco and Firearms Special Agent Catherine Cole conducted a preliminary review of photographs of the seized revolver and ammunition. SA Cole preliminarily identified that both the firearm and ammunition had been manufactured in other states outside of the state of Washington and had therefore traveled in or affected interstate commerce.

15. On November 18, 2021, I interviewed SANCHEZ's girlfriend, hereafter referred to by the initials "V.A." to protect her identity. V.A. identified that she was currently and had been SANCHEZ's girlfriend since approximately July of 2019. On the day that the police pulled SANCHEZ over, SANCHEZ had picked V.A. up in LaConner, Washington and the two drove to the Swinomish Casino to gamble by themselves. SANCHEZ was driving a car that V.A. did not believe SANCHEZ had used before. When SANCHEZ picked V.A. up, she noticed that he was acting like he was high on drugs. SANCHEZ was driving and V.A. was in the front right passenger seat. V.A. noticed something on the side of SANCHEZ's seat near the center console, and she thought it was the end of a small gun. She believed she saw the part where the bullets come out, but she was not certain it was a gun. V.A. confronted SANCHEZ about this because she knew that he could not have a gun because he was on federal probation. SANCHEZ denied that the item was a gun and said that the item and the car were not his. The two engaged in an argument, and SANCHEZ dropped V.A. off at the casino and left. After approximately 30



1 to 40 minutes at the casino, V.A. missed some phone calls from SANCHEZ before she  
 2 accepted a call from him. SANCHEZ told V.A. he had been pulled over, and V.A. went to  
 3 the traffic stop location and spoke to the officers there.

4 16. After they left the traffic stop, SANCHEZ and V.A. went back to their place in  
 5 LaConner. SANCHEZ became frustrated and told V.A. that the police were going to think  
 6 the gun was his, and they would not believe him that it wasn't. V.A. tried to convince  
 7 SANCHEZ to contact his federal probation officer, but he didn't want to. SANCHEZ  
 8 disappeared for a few days before the two eventually traveled to Mexico separately. Once in  
 9 Mexico, SANCHEZ and V.A. met up in Sinaloa before SANCHEZ was arrested and  
 10 deported by Mexican authorities.

11 17. I have reviewed law enforcement database records regarding SANCHEZ's  
 12 criminal history; based on that review I know that SANCHEZ has the following convictions  
 13 and that he received a term of imprisonment of at least one year for each.

- 14 i. *Unlawful Possession of a Firearm*, in United States District  
 15 Court for the Western District of Washington, under case number  
 16 CR16-027 JLR, on or about January 9, 2017;
- 17 ii. *Second Degree Assault*, in Skagit County Superior Court, under case  
 18 number 12-1-00125-1, on or about June 5, 2014;
- 19 iii. *Unlawful Firearm Possession*, in Skagit County Superior Court, under  
 20 case number 12-1-00125-1, on or about June 5, 2014;
- 21 iv. *Third Degree Assault*, in Skagit County Superior Court, under case  
 22 number 12-1-00125-1, on or about June 5, 2014;
- 23 v. *Third Degree Assault*, in Skagit County Superior Court, under case  
 24 number 12-1-00125-1, on or about June 5, 2014; and
- 25 vi. *First Degree Robbery*, in Snohomish County Superior Court, under case  
 26 number 01-1-02307-6, on or about January 10, 2002.

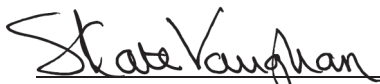
**CONCLUSION**

18. Based on my training and experience as a Special Agent and the information contained in this Affidavit, I submit that probable cause exists to believe that JESUS GUADALUPE SANCHEZ did knowingly transport or possess a firearm and ammunition that affected interstate commerce after he had been convicted in Federal court of a crime punishable by imprisonment for a term exceeding one year. All in violation of Title 18, United States Code, Section 922(g).

  
TERRY A. GETSCH, Complainant  
Special Agent, FBI

Based on the Complaint and Affidavit sworn to me by telephone, the Court hereby finds that there is probable cause to believe the Defendant committed the offense set forth in the Complaint.

Dated this 2nd day of December, 2021.

  
S. KATE VAUGHAN  
United States Magistrate Judge